

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA,

v.

PATRICK RANDELL MCINTOSH,

Defendant.

CRIMINAL FILE NO.

1:13-CR-18-TWT

ORDER

This is a criminal action. It is before the Court on the Report and Recommendation [Doc. 57] of the Magistrate Judge recommending granting in part and denying in part the Defendant's Motion to Suppress Evidence [Doc. 37] and granting the Defendant's Motion to Suppress Statements [Doc. 39]. I agree with the Government's Objections to the Report and Recommendation's conclusion that the handgun found under the bed should be suppressed. Once they entered the motel room, the officers were entitled to look under the bed to see if the Defendant was hiding there. The gun was seen in plain view. The record before the Magistrate Judge was not clear as to whether the Defendant initiated the conversation with FBI Agent Pierce. I will hear that de novo at trial. The Defendant's Objections to the Report and Recommendation regarding suppression of the shotgun are overruled for the reasons

set forth in the Report and Recommendation. The Court approves and adopts the Report and Recommendation in part as the judgment of the Court. The Motion to Suppress Evidence [Doc. 37] is GRANTED in part and DENIED in part. The Motion to Suppress Statements [Doc. 39] is DEFERRED until trial.

SO ORDERED, this 14 day of January, 2015.

/s/Thomas W. Thrash
THOMAS W. THRASH, JR.
United States District Judge